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SUBJECT: SENIOR PDP OFFICIAL AND FIVE OTHERS CONVICTED ON  
CORRUPTION

11. (SBU) On October 26, the Economic and Financial Crimes Commission (EFCC) secured convictions and prison terms for Olabode George, vice-chairman of President Yar'Adua's campaign in 2007 and a former chairman of the Nigerian Ports Authority (NPA), and four other NPA board directors. The court found the defendants guilty on 47 of 68 counts of inflation of contract, abuse of office by splitting contracts, disobedience to lawful orders, and conspiracy to disobey lawful orders.

12. (SBU) According to prosecutors, from 2001 to 2003, Bode George, along with four other NPA board directors, engaged in corrupt practices and self-enrichment by converting millions of dollars of government funds to personal use, and exceeding their approval authority for contracts issued by NPA in contravention of a Presidential order. The judge provided no option to pay a fine in lieu of imprisonment, and the jail terms will run concurrently. The two and one-half year prison sentence without option of fines ensures that the defendants will remain in jail until George's legal team obtains a court decision on their appeal, preventing any opportunity for the delay tactics often employed when defendants remain free on bail.

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INDICTMENT STEMS FROM 2005  
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13. (SBU) The EFCC, under former Chairman Nuhu Ribadu, had indicted Chief Olabode George in 2005 for corrupt practices committed while he was the Chairman of the NPA Board. George responded with a libel suit against EFCC and two newspapers that published the indictment. During the civil case hearings, former EFCC investigator Hassan Bamanga provided testimony on damaging corruption allegations against George. Armed with his testimony and other EFCC evidence, former EFCC Counsel Rotimi Jacobs filed a criminal case against George and the four others in Lagos Federal High Court.

14. (SBU) In August 2008, George's case was assigned to presiding Justice Olabunmi Oyewole who has a reputation for preventing frivolous appeals by defense attorneys who attempt to delay court cases with multiple motions and appeals while their clients remain free on bail. (N.B.: Under the EFCC Establishment Act of 2004, Federal High Court Registrars designate specialized judges to handle EFCC cases in an expedited manner. END NOTE.) After she took over as EFCC chairman in June 2008, Farida Waziri removed Barrister Jacobs, a close ally of Ribadu, from the case, and contracted Festus Keyamo, a prominent lawyer who had successfully defended cases against EFCC the previous year to prosecute the case.

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JUDGE PLAYS MAJOR ROLE

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15. (SBU) Over the past two years, the case steadily progressed, thanks primarily to Justice Oyewole, who has a reputation as one of the best financial crimes lawyers in Nigeria. On charges where the EFCC did not present sufficient evidence, Oyewole used his legal and judicial interpretive skills to find a prima facie case based on the magnitude of the defendants' level of corruption, abuse of office, and flagrant refusal to obey a presidential order. (N.B.: Oyewole received extensive support and training in 2005 from a former DOJ Resident Legal Advisor (RLA) who provided training for the judiciary to manage complex financial crime cases. END NOTE.)  
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16. (SBU) Justice Oyewole has played a key role in the development of the jurisprudence for financial crimes in Nigeria and presided over most cases in the EFCC Law Report. Oyewole presided over the biggest EFCC fraud case, Banco Noereste Brazil, obtaining two convictions for influential Nigerian businessmen Mike Anajemba and Emmanuel Nwude, who defrauded 242 million dollars from their Brazilian business partner in an advance fee scam. He also convicted cyber criminals, despite impediments to the admissibility of electronic evidence in Nigerian courts.

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COMMENT  
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17. (SBU) Olabode George's conviction is a testament to Judge Oyewole's strict approach to managing complex financial crime cases, and demonstrates what can happen when effective EFCC investigators and prosecutors work closely with competent judges without outside

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interference.

SANDERS